

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
Criminal No.: 11-198 (ADM)

UNITED STATES OF AMERICA,                     )  
   )     **INFORMATION**  
                  Plaintiff,                     )  
   )     (18 U.S.C. § 1347)  
                  v.                                 )  
   )  
JOSEPH VAH LAVIEN,                             )  
   )  
                  Defendant.                    )

THE UNITED STATES ATTORNEY CHARGES THAT:

Count 1  
(Health Care Fraud)

1. Since approximately 2003, defendant JOSEPH VAH LAVIEN ("LAVIEN") owned and operated Palm Healthcare Services, Inc. ("Palm"), a corporation organized under the laws of the State of Minnesota and based in Minneapolis, Minnesota.

2. From sometime in approximately 2008 and continuing until at least June 2009, in the State and District of Minnesota, LAVIEN knowingly, intentionally, and willfully executed, in connection with the delivery or payment for health care services, a scheme to defraud a health care benefit program and to obtain by false or fraudulent representations money owned by and under the custody and control of a health care benefit program.

3. The scheme involved LAVIEN, through Palm, fraudulently billing and receiving reimbursement from the federal Medicaid program administered by the State of Minnesota. The Medicaid program is a health care benefit program within the meaning of

18, United States Code, Section 1347.

SCANNED

JUN 15 2011

U.S. DISTRICT COURT ST. PAUL

FILED JUN 15 2011  
RICHARD D. SLETTEN, CLERK  
JUDGMENT ENTD \_\_\_\_\_  
DEPUTY CLERK \_\_\_\_\_

4. Palm was set up to bill the Medicaid program and to pay service providers for personal care assistance ("PCA") rendered to patients eligible for Medicaid. Palm was further set up to bill for and pay providers for supervisory oversight of the PCA providers. LAVIEN fraudulently billed and received inappropriate reimbursement for PCA services through the following methods: billing for services rendered by ineligible providers, billing for services not provided to patients, billing for more services than authorized, billing for more services than could be performed in a particular day or month, billing for supervision services rendered by an eligible provider, and submitting fraudulent records in support of claims for reimbursement.

5. In furtherance of and during the course of the scheme to defraud, on or about April 11, 2008, LAVIEN submitted and caused to be submitted documentation to receive reimbursement for services not eligible for reimbursement.

6. LAVIEN further defrauded the MinnesotaCare insurance program. MinnesotaCare is a program whereby the State of Minnesota pays for insurance premiums for low income residents. LAVIEN knowingly submitted through the U.S. mails applications for participation in the MinnesotaCare program that misrepresented his family income and thus allowed LAVIEN's family to benefit from the program while not actually eligible.

7. The loss as a result of all conduct is \$412,227.17 in fraudulent Medicaid billing and \$83,939 in fraudulently received MinnesotaCare premiums for a total of \$496,166.17.

8. On or about April 11, 2008, in the State and District of Minnesota, the defendant,

**JOSEPH VAH LAVIEN,**

knowingly, intentionally, and willfully execute the scheme to defraud a health care benefit program and to obtain by false or fraudulent representations money owned by and under the custody and control of a health care benefit program as described herein and as defined in Title 18, United States Code, Section 24(b), in connection with the payment for health care benefits services, all in violation of Title 18, United States Code, Section 1347.

**Forfeiture Allegations**

9. The allegations contained in Count 1 of this Information are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Section 982(a)(7), and Title 28, United States Code, Section 2461(c).

10. Upon conviction of the offense in violation of Title 18, United States Code, Sections 1347 set forth in Count 1 of this Information, the defendant,

**JOSEPH VAH LAVIEN,**

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(7), and Title 28, United States Code, Section 2461(c), any property, real or personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the commission of the offenses. The property to be

forfeited includes, but is not limited to, the assets seized and restrained in connection with United States v. Joseph V. Lavien et al., Civil No. 10-2011 (DWF/FLN).

11. If any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1) and Title 28, United States Code, Section 2461(c).

12. All pursuant to Title 18, United States Code, Sections 982(a)(7), 1347 and Title 28, United States Code, Section 2461(c).

Respectfully submitted,

B. TODD JONES  
United States Attorney



Dated: June 15, 2011

BY: ROBERT M. LEWIS  
Assistant U.S. Attorney  
Attorney ID No. 249488